

REMARKS

This amendment is in response to the Office Action dated November 28, 2008 (the “Office Action”). Claims 1-25 are pending in the application. Claims 1, 5, 7, 11, 15, 17-19 and 22-24 have been amended.

Support for the amendments to claims 1, 7, 11, 17 and 22 may be found in the specification at least in paragraph [0011]. Support for the amendments to claims 5 and 15 may be found at least in paragraph [0019]. Claims 18, 19, 23 and 24 were amended to agree with the corresponding independent claims.

Claims 1-25 are Allowable

The Office rejected claims 1-25 under 35 U.S.C. §103(a), as unpatentable over U.S. Pat. No. 6,738,466 (“LaPierre”), in view of U.S. Pat. Publ. No. 2006/0104434 (“Nguyen”) and further in view of U.S. Pat. No. 6,332,021 (“Latter”). Applicant respectfully traverses the rejections.

The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 1. For example, the cited portions of the above-cited references do not disclose “applying a call waiting tone of a plurality of distinctive types of call waiting tones to the destination device based upon the redirecting number when the destination device is in use; and applying one of a plurality of distinctive ring tones to the destination device based upon the redirecting number when the destination device is not in use”, as in claim 1.

In contrast to claim 1, LaPierre discloses using a distinctive *ring* to identify that the call has been redirected. LaPierre, Abstract. The cited portions of LaPierre do not disclose or suggest “call waiting” or “call waiting tones”. When a telephone is not in use, the telephone rings when an inbound call is received. When a telephone is in use and an inbound call is received, the called party may hear a call waiting tone indicating that an inbound call is waiting for the called party. LaPierre discloses only the use of distinct ring tones. Using a distinctive *ring* to identify that a call has been redirected does not teach applying one of a plurality of distinctive types of *call waiting tones* to the destination device. In addition, the cited portions of LaPierre fail to disclose or suggest applying a call waiting tone based upon the redirecting

number when the destination device is in use and applying a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of LaPierre fail to disclose or suggest “applying a call waiting tone of a plurality of distinctive types of call waiting tones to the destination device based upon the redirecting number when the destination device is in use; and applying one of a plurality of distinctive ring tones to the destination device based upon the redirecting number when the destination device is not in use”, as in claim 1.

In further contrast to claim 1, Nguyen discloses a system for a caller to control a distinctive *ring* for a telephone call. See Nguyen, Abstract. The cited portions of Nguyen do not disclose or suggest “call waiting” or “call waiting tones”. Using a distinctive *ring* for a telephone call does not teach applying one of a plurality of distinctive types of *call waiting tones* to the destination device based upon the redirecting number. In addition, the cited portions of Nguyen fail to disclose or suggest applying a call waiting tone based upon the redirecting number when the destination device is in use and applying a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of Nguyen fail to disclose or suggest “applying a call waiting tone of a plurality of distinctive types of call waiting tones to the destination device based upon the redirecting number when the destination device is in use; and applying one of a plurality of distinctive ring tones to the destination device based upon the redirecting number when the destination device is not in use”, as in claim 1.

In further contrast to claim 1, Latter discloses providing caller identification information to a called party when standard Caller ID cannot be provided. When a calling party provides the audible caller identification, the call is presented to the destination device with a distinctive *ring*. See Latter, Abstract. The cited portions of Latter do not disclose or suggest “call waiting”, “call waiting tones” or a “redirecting number”. Using a distinctive *ring* for a telephone call does not teach applying one of a plurality of distinctive types of *call waiting tones*. In addition, the cited portions of Latter fail to disclose or suggest applying a call waiting tone based upon the redirecting number when the destination device is in use and applying a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of Latter fail to disclose or suggest “applying a call waiting tone of a plurality of

distinctive types of call waiting tones to the destination device based upon the redirecting number when the destination device is in use; and applying one of a plurality of distinctive ring tones to the destination device based upon the redirecting number when the destination device is not in use”, as in claim 1.

Therefore, the cited portions of LaPierre, Nguyen, and Latter, individually or in combination, fail to disclose or suggest the specific combination of claim 1. Hence, claim 1 is allowable. Claims 2-6 are allowable, at least by virtue of their dependence from claim 1. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of the above-cited references.

For example, the cited portions of the above-cited references fail to disclose or suggest “applying a normal call waiting tone to the destination device”, as in claim 2. The cited portions of the above-cited references fail to disclose or suggest “call waiting” or “call waiting tones”. For at least this additional reason, claim 2 is allowable.

As a further example, the cited portions of the above-cited references fail to disclose or suggest “wherein the distinctive type of call waiting tone is applied when the redirecting number is found within the set of authorized numbers”, as in claim 3. The cited portions of the above-cited references fail to disclose or suggest “call waiting” or “call waiting tones”. For at least this additional reason, claim 3 is allowable.

As a further example, the cited portions of the above-cited references fail to disclose or suggest “wherein the method is implemented in a VoIP type system using a soft switch”, as in claim 5. The cited portions of the above-cited references fail to disclose or suggest the use of a soft switch or a VoIP type system. For at least this additional reason, claim 5 is allowable.

The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 7. For example, the cited portions of the above-cited references do not disclose or suggest “wherein the tone is a call waiting tone of a plurality of distinctive types of call waiting tones to use on a subscriber line based on the redirecting number when the destination device is in use, and wherein the tone is a ring tone of a plurality of distinctive ring

tones to use on the subscriber line based on the redirecting number when the destination device is not in use”, as in claim 7.

In contrast to claim 7, LaPierre discloses using a distinctive *ring* to identify that the call has been redirected. LaPierre, Abstract. The cited portions of LaPierre do not disclose or suggest “call waiting” or “call waiting tones”. When a telephone is not in use, the telephone rings when an inbound call is received. When a telephone is in use and an inbound call is received, the called party may hear a call waiting tone indicating that an inbound call is waiting for the called party. LaPierre discloses only the use of distinct ring tones. Using a distinctive *ring* to identify that a call has been redirected does not teach applying one of a plurality of distinctive types of *call waiting tones* to the destination device. In addition, the cited portions of LaPierre fail to disclose or suggest applying a call waiting tone based upon the redirecting number when the destination device is in use and applying a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of LaPierre fail to disclose or suggest “wherein the tone is a call waiting tone of a plurality of distinctive types of call waiting tones to use on a subscriber line based on the redirecting number when the destination device is in use, and wherein the tone is a ring tone of a plurality of distinctive ring tones to use on the subscriber line based on the redirecting number when the destination device is not in use”, as in claim 7.

In further contrast to claim 7, Nguyen discloses a system for a caller to control a distinctive *ring* for a telephone call. See Nguyen, Abstract. The cited portions of Nguyen do not disclose or suggest “call waiting” or “call waiting tones”. Using a distinctive *ring* for a telephone call does not teach applying one of a plurality of distinctive types of *call waiting tones* to the destination device based upon the redirecting number. In addition, the cited portions of Nguyen fail to disclose or suggest applying a call waiting tone based upon the redirecting number when the destination device is in use and applying a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of Nguyen fail to disclose or suggest “wherein the tone is a call waiting tone of a plurality of distinctive types of call waiting tones to use on a subscriber line based on the redirecting number when the destination device is in use, and wherein the tone is a ring tone of a plurality of

distinctive ring tones to use on the subscriber line based on the redirecting number when the destination device is not in use”, as in claim 7.

In further contrast to claim 7, Latter discloses providing caller identification information to a called party when standard Caller ID cannot be provided. When a calling party provides the audible caller identification, the call is presented to the destination device with a distinctive *ring*. See Latter, Abstract. The cited portions of Latter do not disclose or suggest “call waiting”, “call waiting tones” or a “redirecting number”. Using a distinctive *ring* for a telephone call does not teach applying one of a plurality of distinctive types of *call waiting tones*. In addition, the cited portions of Latter fail to disclose or suggest applying a call waiting tone based upon the redirecting number when the destination device is in use and applying a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of Latter fail to disclose or suggest “wherein the tone is a call waiting tone of a plurality of distinctive types of call waiting tones to use on a subscriber line based on the redirecting number when the destination device is in use, and wherein the tone is a ring tone of a plurality of distinctive ring tones to use on the subscriber line based on the redirecting number when the destination device is not in use”, as in claim 7.

Therefore, the cited portions of LaPierre, Nguyen, and Latter, individually or in combination, fail to disclose or suggest the specific combination of claim 7. Hence, claim 7 is allowable. Claims 8-10 are allowable, at least by virtue of their dependence from claim 7. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of the above-cited references.

For example, the cited portions of the above-cited references fail to disclose or suggest “comparing the redirecting number to a plurality of authorized distinctive call waiting numbers”, as in claim 8. The cited portions of the above-cited references fail to disclose or suggest “call waiting” or “call waiting numbers.” Therefore, a redirecting number cannot be compared to a plurality of authorized distinctive call waiting numbers. For at least this additional reason, claim 8 is allowable.

The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 11. For example, the cited portions of the above-cited references do not

disclose or suggest “setting one of a plurality of distinctive types of call waiting tones on a subscriber line based on the redirecting number when a destination device is in use; and setting one of a plurality of distinctive types of ring tones on the subscriber line based on the redirecting number when the destination device is not in use”, as in claim 11.

In contrast to claim 11, LaPierre discloses using a distinctive *ring* to identify that the call has been redirected. LaPierre, Abstract. The cited portions of LaPierre do not disclose or suggest “call waiting” or “call waiting tones”. When a telephone is not in use, the telephone rings when an inbound call is received. When a telephone is in use and an inbound call is received, the called party may hear a call waiting tone indicating that an inbound call is waiting for the called party. LaPierre discloses only the use of distinct ring tones. Using a distinctive *ring* to identify that a call has been redirected does not teach applying one of a plurality of distinctive types of *call waiting tones* to the destination device. In addition, the cited portions of LaPierre fail to disclose or suggest setting a call waiting tone based upon the redirecting number when the destination device is in use and setting a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of LaPierre fail to disclose or suggest “setting one of a plurality of distinctive types of call waiting tones on a subscriber line based on the redirecting number when a destination device is in use; and setting one of a plurality of distinctive types of ring tones on the subscriber line based on the redirecting number when the destination device is not in use”, as in claim 11.

In further contrast to claim 11, Nguyen discloses a system for a caller to control a distinctive *ring* for a telephone call. See Nguyen, Abstract. The cited portions of Nguyen do not disclose or suggest “call waiting” or “call waiting tones”. Using a distinctive *ring* for a telephone call does not teach applying one of a plurality of distinctive types of *call waiting tones* to the destination device based upon the redirecting number. In addition, the cited portions of Nguyen fail to disclose or suggest setting a call waiting tone based upon the redirecting number when the destination device is in use and setting a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of Nguyen fail to disclose or suggest “setting one of a plurality of distinctive types of call waiting tones on a subscriber line based on the redirecting number when a destination device is in use;

and setting one of a plurality of distinctive types of ring tones on the subscriber line based on the redirecting number when the destination device is not in use”, as in claim 11.

In further contrast to claim 11, Latter discloses providing caller identification information to a called party when standard Caller ID cannot be provided. When a calling party provides the audible caller identification, the call is presented to the destination device with a distinctive *ring*. See Latter, Abstract. The cited portions of Latter do not disclose or suggest “call waiting”, “call waiting tones” or a “redirecting number”. Using a distinctive *ring* for a telephone call does not teach applying one of a plurality of distinctive types of *call waiting tones*. In addition, the cited portions of Latter fail to disclose or suggest setting a call waiting tone based upon the redirecting number when the destination device is in use and setting a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of Latter fail to disclose or suggest “setting one of a plurality of distinctive types of call waiting tones on a subscriber line based on the redirecting number when a destination device is in use; and setting one of a plurality of distinctive types of ring tones on the subscriber line based on the redirecting number when the destination device is not in use”, as in claim 11.

Therefore, the cited portions of LaPierre, Nguyen, and Latter, individually or in combination, fail to disclose or suggest the specific combination of claim 11. Hence, claim 11 is allowable. Claims 12-16 are allowable, at least by virtue of their dependence from claim 11. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of the above-cited references.

For example, the cited portions of the above-cited references fail to disclose or suggest “applying a normal call waiting tone”, as in claim 12. The cited portions of the above-cited references fail to disclose or suggest “call waiting” or “call waiting tones”. For at least this additional reason, claim 12 is allowable.

As a further example, the cited portions of the above-cited references fail to disclose or suggest “wherein the distinctive type of call waiting tone is applied when the redirecting number is found within the set of authorized numbers”, as in claim 13. The cited portions of the above-cited references fail to disclose or suggest “call waiting” or “call waiting tones”. For at least this additional reason, claim 13 is allowable.

As a further example, the cited portions of the above-cited references fail to disclose or suggest “wherein the method is implemented in a VoIP type system using a soft switch”, as in claim 15. The cited portions of the above-cited references fail to disclose or suggest the use of a soft switch or a VoIP type system. For at least this additional reason, claim 15 is allowable.

The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 17. For example, the cited portions of the above-cited references do not disclose or suggest “wherein the tone is a call waiting tone of a plurality of distinctive types of call waiting tones when the switching control point determines the destination device is in use and wherein the tone is a ring tone of a plurality of ring tones when the switching control point determines the destination device is not in use”, as in claim 17.

In contrast to claim 17, LaPierre discloses using a distinctive *ring* to identify that the call has been redirected. LaPierre, Abstract. The cited portions of LaPierre do not disclose or suggest “call waiting” or “call waiting tones”. When a telephone is not in use, the telephone rings when an inbound call is received. When a telephone is in use and an inbound call is received, the called party may hear a call waiting tone indicating that an inbound call is waiting for the called party. LaPierre discloses only the use of distinct ring tones. Using a distinctive *ring* to identify that a call has been redirected does not teach applying one of a plurality of distinctive types of *call waiting tones* to the destination device. In addition, the cited portions of LaPierre fail to disclose or suggest applying a call waiting tone based upon the redirecting number when the destination device is in use and applying a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of LaPierre fail to disclose or suggest “wherein the tone is a call waiting tone of a plurality of distinctive types of call waiting tones when the switching control point determines the destination device is in use and wherein the tone is a ring tone of a plurality of ring tones when the switching control point determines the destination device is not in use”, as in claim 17.

In further contrast to claim 17, Nguyen discloses a system for a caller to control a distinctive *ring* for a telephone call. See Nguyen, Abstract. The cited portions of Nguyen do not disclose or suggest “call waiting” or “call waiting tones”. Using a distinctive *ring* for a telephone call does not teach applying one of a plurality of distinctive types of *call waiting tones*

to the destination device based upon the redirecting number. In addition, the cited portions of Nguyen fail to disclose or suggest applying a call waiting tone based upon the redirecting number when the destination device is in use and applying a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of Nguyen fail to disclose or suggest “wherein the tone is a call waiting tone of a plurality of distinctive types of call waiting tones when the switching control point determines the destination device is in use and wherein the tone is a ring tone of a plurality of ring tones when the switching control point determines the destination device is not in use”, as in claim 17.

In further contrast to claim 17, Latter discloses providing caller identification information to a called party when standard Caller ID cannot be provided. When a calling party provides the audible caller identification, the call is presented to the destination device with a distinctive *ring*. See Latter, Abstract. The cited portions of Latter do not disclose or suggest “call waiting”, “call waiting tones” or a “redirecting number”. Using a distinctive *ring* for a telephone call does not teach applying one of a plurality of distinctive types of *call waiting tones*. In addition, the cited portions of Latter fail to disclose or suggest applying a call waiting tone based upon the redirecting number when the destination device is in use and applying a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of Latter fail to disclose or suggest “wherein the tone is a call waiting tone of a plurality of distinctive types of call waiting tones when the switching control point determines the destination device is in use and wherein the tone is a ring tone of a plurality of ring tones when the switching control point determines the destination device is not in use”, as in claim 17.

Therefore, the cited portions of LaPierre, Nguyen, and Latter, individually or in combination, fail to disclose or suggest the specific combination of claim 17. Hence, claim 17 is allowable. Claims 18-21 are allowable, at least by virtue of their dependence from claim 17.

The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 22. For example, the cited portions of the above-cited references do not disclose or suggest “wherein the tone is a call waiting tone of a plurality of distinctive types of call waiting tones when the switching control point determines the destination device is in use

and wherein the tone is a ring tone of a plurality of ring tones when the switching control point determines the destination device is not in use”, as in claim 22.

In contrast to claim 22, LaPierre discloses using a distinctive *ring* to identify that the call has been redirected. LaPierre, Abstract. The cited portions of LaPierre do not disclose or suggest “call waiting” or “call waiting tones”. When a telephone is not in use, the telephone rings when an inbound call is received. When a telephone is in use and an inbound call is received, the called party may hear a call waiting tone indicating that an inbound call is waiting for the called party. LaPierre discloses only the use of distinct ring tones. Using a distinctive *ring* to identify that a call has been redirected does not teach applying one of a plurality of distinctive types of *call waiting tones* to the destination device. In addition, the cited portions of LaPierre fail to disclose or suggest applying a call waiting tone based upon the redirecting number when the destination device is in use and applying a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of LaPierre fail to disclose or suggest “wherein the tone is a call waiting tone of a plurality of distinctive types of call waiting tones when the switching control point determines the destination device is in use and wherein the tone is a ring tone of a plurality of ring tones when the switching control point determines the destination device is not in use”, as in claim 22.

In further contrast to claim 22, Nguyen discloses a system for a caller to control a distinctive *ring* for a telephone call. See Nguyen, Abstract. The cited portions of Nguyen do not disclose or suggest “call waiting” or “call waiting tones”. Using a distinctive *ring* for a telephone call does not teach applying one of a plurality of distinctive types of *call waiting tones* to the destination device based upon the redirecting number. In addition, the cited portions of Nguyen fail to disclose or suggest applying a call waiting tone based upon the redirecting number when the destination device is in use and applying a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of Nguyen fail to disclose or suggest “wherein the tone is a call waiting tone of a plurality of distinctive types of call waiting tones when the switching control point determines the destination device is in use and wherein the tone is a ring tone of a plurality of ring tones when the switching control point determines the destination device is not in use”, as in claim 22.

In further contrast to claim 22, Latter discloses providing caller identification information to a called party when standard Caller ID cannot be provided. When a calling party provides the audible caller identification, the call is presented to the destination device with a distinctive *ring*. See Latter, Abstract. The cited portions of Latter do not disclose or suggest “call waiting”, “call waiting tones” or a “redirecting number”. Using a distinctive *ring* for a telephone call does not teach applying one of a plurality of distinctive types of *call waiting tones*. In addition, the cited portions of Latter fail to disclose or suggest applying a call waiting tone based upon the redirecting number when the destination device is in use and applying a distinctive ring tone based upon the redirecting number when the destination device is not in use. Therefore, the cited portions of Latter fail to disclose or suggest “wherein the tone is a call waiting tone of a plurality of distinctive types of call waiting tones when the switching control point determines the destination device is in use and wherein the tone is a ring tone of a plurality of ring tones when the switching control point determines the destination device is not in use”, as in claim 22.

Therefore, the cited portions of LaPierre, Nguyen, and Latter, individually or in combination, fail to disclose or suggest the specific combination of claim 22. Hence, claim 22 is allowable. Claims 23-25 are allowable, at least by virtue of their dependence from claim 22.

CONCLUSION

Applicant has pointed out specific features of the claims not disclosed, suggested or rendered obvious by the cited portions of the cited references as applied in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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